UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,063	02/16/2001	Toshihiko Munetsugu	32161US1	4765

116	7590	06/18/2004

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
SHAH, SANJIV

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☒ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *6*.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

1. This action is responsive to communications: original application filed 02/16/2001;

IDS filed 05/19/2003.

2. Claims 1-28 are currently pending in this application. Claim 1 is independent claim.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. Correction is required.

4. The abstract of the disclosure is objected to because it exceeds the limit of 150

words. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser- executable code. See MPEP § 608.01.

6. Claim 4 is objected to because of the following informalities: "the sore" (claim 4, line

6) should read "the score". Appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be

negatived by the manner in which the invention was made.

8.   Claims 1-28 are rejected under 35 U.S.C. 103(x) as being unpatentable over

French et al. (U.S. 6266,053 -filed 04/1998) in view of Ozsoyoglu et al. "Automating the

Assembly of Presentation from Multimedia Databases'", (Public Release - 1996).

As to claim 1, French teaches a data processing method (the processing of data; col.8,

lines 27-38) comprising input means for inputting context description data described in a

hierarchical structure, wherein the hierarchical structure (data structure is presented as

nodes in a graph; col.2, lines 60-67/ hierarchical data structures; cot. 7, line 65-col.8,

line3) comprises:

- the highest hierarchical layer (Nodes with no ancestors are known as root node 43;

col.8, lines 1-2 & Fig. 2) in which time-varying media content and the context of the

media content are formed into a single element representing media content (The root

node specifies an initial temporal context with a time scale and time interval associated

... media production; col.4, lines 25-32/ the highest level type in the system is temporal,

which relates to the handling of scene time within the hierarchy; col.12, lines 54-57);

- the lowest hierarchical layer (nodes without children are called leaf nodes; cot. 7, line

65- col.8, line 3) in which an element represents a media segment formed by dividing

the media content and is assigned, as an attribute, time information relating to a

corresponding media segment and a score (Elements of a scene ... data representative

of the media elements; cot. 3, lines 58-64/Nodes in the graph 40 are operators 50 on

multimedia data, or containers 52 for references to such multimedia stored elsewhere in

the system 10; col.8, lines 14-62);

- other hierarchical layers include elements, which are directly or indirectly, associated

with at least one of the media segments and which represent: scenes or a set of scenes

(nodes which have ancestors and children are referred to herein as branch of

intermediate nodes; col. 7, lines 53-67).

French, however, does not explicitly teach "selection means for selecting at least one

segment from the media content."

Ozsoyoglu teaches selection means for selecting at least one segment from the media

content (choose a set of multimedia segments for presentation by simply pointing and

clicking; page 593, the right column, the third paragraph).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Ozsoyoglu with French because it

would have provided the enhanced capability for selecting a multimedia segment from a

composition hierarchy for presentation.

As to dependent claim 2, French does not explicitly teach "extraction means for

extracting only data corresponding to the segment selected by the selection means,

from the media content."

Ozsoyoglu teaches extraction means for extracting only data corresponding to the

segment selected by the selection means, from the media content (page 593, the right

column, the third paragraph).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Ozsoyoglu with French because it

would have provided the enhanced capability for selecting a multimedia. segment from

a composition hierarchy for presentation.

As to dependent claim 3, French does not explicitly teach "playback means for playing

back only data corresponding to the segment selected by the selection means, from the

media content."

Ozsoyoglu teaches playback means for playing back only data corresponding to the

segment selected by the selection means, from the media content (page 594, the right

column, the second and third paragraphs).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Ozsoyoglu with French because it

would have provided the enhanced capability for selecting a multimedia segment from a

composition hierarchy for presentation.

As to dependent claim 30, French teaches the score represents a contextual

importance of media content (Col. 11 lines 8-37).

As to dependent claim 4, French teaches the score represents the degree of contextual

importance of a scene of interest from the viewpoint of a keyword (Figs. 12-13).

French, however, does not teach "the selection means selects a scene in which the score is used from at least one viewpoint."

Ozsoyoglu teaches the selection means selects a scene in which the score is used from at least one viewpoint (page 593, the right column, the thud and fourth paragraphs). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to dependent claim 5, French teaches the media content corresponds to video data or audio data (col.3, lines 46-64).

As to dependent claim 6, French teaches the media content corresponds to data comprising video data and audio data, which are mutually synchronized (col.4, lines 33-63).

As to dependent claim 7, French teaches the context description data describe the configuration of video data or audio data (Figs. 12-13).

As to dependent claim 8, French teaches the context description data describe the configuration of each of video data sets and audio data sets (Figs. 12-13).

As to dependent claim 9, French does not explicitly teach "the selection means selects a scene by reference to context description data pertaining to video data or audio data." Ozsoyoglu teaches the selection means selects a scene by reference to context description data pertaining to video data or audio data (page 593, the right column, the third and fourth paragraphs).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to dependent claim 10, French does not explicitly teach "the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data or audio selection means for selecting a scene of audio data by reference to context description data of audio data."

Ozsoyoglu teaches the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data or audio selection means for selecting a scene of audio data by reference to context description data of audio data (page 593, the right column, the third and fourth paragraphs).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to dependent claim 11, French does not explicitly teach "the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data, and audio selection means for selecting-a scene of audio data by reference to context description data of audio data."

Ozsoyoglu teaches the selection means comprises video selection means for selecting a scene of video data by reference to context description data of video data, and audio selection means for selecting-a scene of audio data by reference to context description data of audio data (page 593, the right column, the third and fourth paragraphs).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu with French because it would have provided the enhanced capability for selecting a multimedia segment from a composition hierarchy for presentation.

As to dependent claim 12, French teaches the data to be extracted by the extraction data correspond to video data or audio data (col.l3, lines 4-55).

As to dependent claim 13, French teaches the data to be extracted by the extraction data correspond to data comprising video data and audio data, which are mutually synchronized (col.l3, lines 4-55).

As to dependent claim 14, French; teaches media content comprises a plurality of different media data sets within a single period of time; and the data processing device further comprises: determination means which receives structure description data having a data configuration of the media content described therein and determines which one of the media data sets is to be taken as an object of selection, on the basis of determination conditions to be used for determining data as an object of selection; and the selection means selects data from only the data sets, which have been determined as objects of selection by the determination means, by reference to the structure description data (col.I2, lines 18-57).

As to dependent claim 15, French teaches determination means which receives structure description data having a data configuration of the media content described therein and determines whether only video data, only audio data, or both video data and audio data are taken as an object of selection, on the basis of determination conditions to be used for determining data as an object of selection; and wherein the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (col.I2, lines 18-63).

As to dependent claim 16, French teaches media content comprises a plurality of different media data sets within a single period of time; the determination means receives structure description data having a data configuration of the media content described therein and determines which one of the video data sets and/or audio data

sets is to be taken as an object of selection; and the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (col.14, lines 4-55).

As to dependent claim 17, French teaches representative data pertaining to a corresponding media segment are added, as an attribute, to individual elements of context description data in the lowest hierarchical layer; and the selection means selects the entire data pertaining to the media segment and/or representative data pertaining to a corresponding media segment (col.14, lines 5-40).

As to dependent claim 18, French teaches the entire data pertaining to the media segment correspond to media data, and the media content comprises a plurality of different media data sets within a single period of time; and the data processing device further comprises determination means which receives structure description data having a data configuration of the media content described therein and determines which one of the media data sets and/or representative data sets is to be taken as an object of selection; and the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data. (Col. 11, lines 16-43).

As to dependent claim 19, French teaches determination means which receives structure description data having a data configuration of the media content described

therein and determines whether only the entire data, pertaining to the media segment, only the representative data pertaining to the media segment, or both the entire data and the representative data pertaining to a corresponding media segment are taken as objects of selection, on the basis of determination conditions to be used for determining data as an object of selection; and wherein the selection means selects data from only the data sets determined as objects of selection by the determination means, by reference to the structure description data (col.13, lines 4-55).

As to dependent claim 20, French teaches the determination conditions comprise at least one of the capability of a receiving terminal, the traffic volume of a delivery line, a user request, and a user's taste, or a combination thereof (col.13, lines 4-55).

As to dependent claim 21, French teaches comprising formation means for forming a stream of media content from the data extracted by the extraction means (col.13, lines 10-26).

As to dependent claim 22, French teaches comprising delivery means for delivering the stream formed by the formation means over a line (col.12, lines 5-31).

As to dependent claim 23, French teaches recording means for recording the stream formed by the formation means on a data-recording medium (col.13, lines 4-55).

As to dependent claim 24, French teaches comprising data recording medium management means which re-organizes the media content that has already been stored and/or media content to be newly stored, according to the available disk space of the data recording medium (col.14, lines 5-52).

As to dependent claim 25, French teaches stored content management means for reorganizing the media content stored in the data recording medium according to the period of storage of the media content (col.14, lines 5-52).

As to dependent claim 26, French teaches a computer-readable recording medium on which the data processing method is recorded in the form of a program to be performed by a computer (col.7 lines 14-41).

As to dependent claim 27, 28, French teaches a program for causing a computer to perform the data processing method (col. 7, lines 14-41).
Independent claim 1 is directed to a data processing device for performing the method of claims 27 and 28, and are similarly rejected under the: same rationale.

9. The prior art made of record and riot relied upon is considered pertinent to applicant's disclosure.

Moriyama et al. U.S Patent No. 5,889,746 issue dated: Mar. 30, 1999

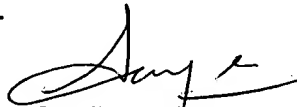Mauldin et al. U.S Patent No. 5,664,227 issue dated: Sep. 2, 1997

Marcus US Patent No. 6,032,156 issue dated: Feb. 29, 2000

Crinon U.S Patent No. 6,331,859 issue dated: Dec. 18, 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjiv D. Shah whose telephone number is (703) 305-8355. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanjiv D. Shah
Primary Examiner
Art Unit 2176

S. Shah
June 10, 2004